

Message Text

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TO AMEMBASSY PANAMA IMMEDIATE

C O N F I D E N T I A L STATE 011393

LIMDIS

C O R R E C T E D C O P Y (PARA 4, LINE 1 OMITTED)

E.O. 11652: GDS

TAGS: PFOR, PN

SUBJECT: REVISED U.S. DRAFT OF THRESHOLD AGREEMENT ON
LANDS/WATERS

1. FOR YOUR BACKGROUND INFORMATION THERE FOLLOWS THE DRAFT
U.S. REVISION OF THE PROPOSED CONCEPTUAL AGREEMENT ON LANDS/
WATERS PRESENTED BY THE PANAMANIAN NEGOTIATORS DURING THE
LATEST ROUND OF TALKS. WRITTEN BY DEFENSE, THIS DRAFT
HAS BEEN CLEARED BY AMBASSADOR BUNKER AND SENT TO EDWIN
FABREGA IN PREPARATION FOR THE NEXT ROUND OF DISCUSSIONS ON
THIS ISSUE.

2. DRAFT PROCEDURES FOR DETERMINING THE USE OF PANAMANIAN
LANDS AND WATERS FOR THE PURPOSES OF OPERATION, MAINTENANCE
AND DEFENSE OF THE PANAMA CANAL.

3. WHEREAS THE JOINT DECLARATION SIGNED IN PANAMA, FEBRUARY
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17, 1974 BY THE MINISTER OF EXTERNAL RELATIONS OF THE

REPUBLIC OF PANAMA AND THE SECRETARY OF STATE OF THE UNITED STATES OF AMERICA, ESTABLISHES THE FOLLOWING.

4. PRINCIPLE 3. TERMINATION OF UNITED STATES JURISDICTION OVER PANAMANIAN TERRITORY SHALL TAKE PLACE PROMPTLY IN ACCORDANCE WITH TERMS SPECIFIED IN THE TREATY.

5. PRINCIPLE 4. THE PANAMANIAN TERRITORY IN WHICH THE CANAL IS SITUATED SHALL BE RETURNED TO THE JURISDICTION OF THE REPUBLIC OF PANAMA. THE REPUBLIC OF PANAMA, IN ITS CAPACITY AS TERRITORIAL SOVEREIGN, SHALL GRANT TO THE UNITED STATES OF AMERICA, FOR THE DURATION OF THE NEW INTEROCEANIC CANAL TREATY AND IN ACCORDANCE WITH WHAT THAT TREATY STATES, THE RIGHT TO USE THE LANDS, WATERS AND AIRSPACE WHICH MAY BE NECESSARY FOR THE OPERATION, MAINTENANCE, PROTECTION AND DEFENSE OF THE CANAL AND THE TRANSIT OF SHIPS.

6. WHEREAS THE EFFECTIVE INTEGRATION OF THE NATIONAL TERRITORY REQUIRES DOMESTIC COMMUNICATION AND TRANSPORT FACILITIES;

7. WHEREAS THE REPUBLIC OF PANAMA REQUIRES THE AVAILABILITY OF LANDS, WATERS AND INSTALLATIONS IN PLANNING AND DETERMINING THE USE OF THE METROPOLITAN REGION TO MAKE EFFECTIVE THE POSSIBILITY OF ITS MOST IMPORTANT NATURAL RESOURCES AND TO ASSURE ITS MOST BALANCED URBAN AND REGIONAL DEVELOPMENT;

8. WHEREAS PANAMA REQUIRES PORT AREAS AND INSTALLATIONS TO ASSURE THE GROWTH OF THE EXTERNAL SECTION OF ITS ECONOMY, AND ADEQUATE MARITIME COMMUNICATION WITH THE REST OF THE WORLD;

9. WHEREAS THE UNITED STATES WILL RETAIN UNDER THE NEW TREATY THE PRIMARY RESPONSIBILITY FOR OPERATING AND DEFENDING THE PANAMA CANAL FOR SPECIFIED DURATIONS;

10. WHEREAS THE UNITED STATES WILL REQUIRE THE NECESSARY LAND AND WATER AREAS AND AN ADEQUATE WATER SUPPLY FOR THE PROTECTION, DEFENSE AND CONTINUOUS OPERATION OF THE

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INTEROCEANIC WATERWAY; AND

11. WHEREAS THE MECHANISM TO INTEGRATE THE PRESENT CANAL ZONE INTO THE JURISDICTION AND ECONOMY OF PANAMA WHILE INSURING THE EFFECTIVE FUNCTIONING AND DEFENSE OF THE CANAL REQUIRES A PROCESS THAT WILL PROTECT THE RESPECTIVE INTERESTS OF PANAMA AND THE UNITED STATES;

12. IT IS AGREED: TO CONSIDER THE PANAMA CANAL AS A COMPLEX AND INTEGRATED SYSTEM OF FOUR INTERDEPENDENT ELEMENTS: A) THE OPERATION AND MAINTENANCE, SUPPORT AND ADMINISTRATIVE FACILITIES; B) PROTECTION AND DEFENSE; C) WATER SUPPLY AND D) LAND AND WATER AREAS.

13. TO DEFINE THE OPERATION OF THE CANAL AS THE TOTAL SYSTEM OF ADMINISTRATIVE, SUPPORT, TECHNICAL OPERATIONS, ACTIVITIES AND FACILITIES WHICH MAKES POSSIBLE THE TRANSIT OF SHIPS BETWEEN THE TWO OCEANS.

14. THAT THE FUNCTIONING AND MAINTENANCE OF THE PRESENT PANAMA CANAL REQUIRES A CONTINUOUS WATERWAY FROM THE ATLANTIC OCEAN TO THE PACIFIC OCEAN, WHICH FOLLOWS THE COURSE OF THE CANAL CHANNEL AND INCLUDES ITS IMMEDIATE SHORES FOR THE CONTROL OF EROSION, AND AREAS FOR INSTALLATIONS AND ACTIVITIES TO SUPPORT THE CANAL OPERATIONS.

15. TO DEFINE THE PROTECTION OF THE CANAL AS THE AGGREGATE OF MEASURES DESIGNED TO PRESERVE THE SECURITY OF THE INSTALLATIONS AND AREAS FOR THE OPERATION OF THE CANAL.

16. TO DEFINE THE DEFENSE OF THE CANAL AS THE AGGREGATE OF MEASURES NECESSARY TO PROTECT THE CANAL AND ITS INSTALLATIONS FROM THREATS TO ITS SECURITY AND FROM ACTS OF AGGRESSION BY THIRD STATES.

17. THAT FOR THE PROTECTION OF THE CANAL, APPROPRIATE LOCATIONS FOR THE INTERNAL SECURITY BODY WILL BE DESIGNATED.

18. THAT FOR THE DEFENSE OF THE CANAL, DEFENSE SITES WILL BE DESIGNATED TO CONTAIN THE NECESSARY FACILITIES FOR THE CONFIDENTIAL

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SEA, LAND AND AIR FORCES.

19. TO DISTINGUISH, BEGINNING WITH THE ENTRY INTO FORCE OF THE TREATY, THE LANDS AND WATERS OF THE PRESENT CANAL ZONE ACCORDING TO THE FOLLOWING CLASSIFICATION:

(A) LANDS AND WATERS RESERVED FOR THE USE OF THE REPUBLIC OF PANAMA WITH APPROPRIATE ACCESS RIGHTS BY THE CANAL ENTITY AND DEFENSE FORCES.

(B) LANDS AND WATERS FOR THE OPERATION OF THE CANAL.

(C) SITES FOR DEFENSE AND PROTECTION OF THE CANAL.

(D) AREAS OF ADMINISTRATIVE COORDINATION, SOME OF WHICH WILL BE SUBJECT TO A PROCESS OF PHYSICAL AND ADMINISTRATIVE INTEGRATION INTO THE REPUBLIC OF PANAMA DURING THE LIFETIME OF THE TREATY.

20. RESIDENTIAL AREAS ESTABLISHED FOR EMPLOYEES OF THE CANAL ENTITY SHALL BE RESERVED FOR THAT PURPOSE. THEY SHALL BE ADMINISTRATIVELY CONTROLLED BY THE CANAL ENTITY, HOWEVER, INTEGRATED INTO THE JURISDICTION OF THE REPUBLIC OF PANAMA. RESIDENTIAL AREAS ESTABLISHED FOR MEMBERS OF THE U.S. ARMED FORCES SHALL BE CONSIDERED DEFENSE SITES UNDER THE SOFA.

21. THE REPUBLIC OF PANAMA SHALL PLACE AT THE DISPOSTION OF THE CANAL ENTITY ALL OF THE WATER AREAS NECESSARY FOR THE EFFICIENT FUNCTIONING OF THE INTEROCEANIC WATERWAY. THE CANAL ENTITY SHALL CONTROL THE VOLUME OF WATER NEEDED TO SUPPORT THE CANAL OPERATION, FOR HUMAN CONSUMPTION AND FOR HYDROELECTRIC POWER DURING THE LIFE OF THE TREATY. PROVISION OF POTABLE WATER TO RESIDENTS OF THE REPUBLIC OF PANAMA SHALL BE ACCOMPLISHED BY MUTUAL AGREEMENT BETWEEN THE ENTITY AND THE GOVERNMENT OF PANAMA. THE U.S. SHALL ASSIST THE JOINT COMMISSION IN PLANNING THE MOST EFFICIENT USE OF THE RIVER WATERS TO SUPPORT URBAN AND INDUSTRIAL DEVELOPMENT WITH THE METROPOLITAN REGION.

22. NOTE: PROPOSED OFFICIAL WORKING MAP: SCALE 1:50,000, SERIES E 762, SHEETS 4243-1 THROUGH 4243-IV, 4143-1 AND 4244-III. KISSINGER

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